and thereupon the instruction of November 1793 was issued; upon which, I think it is not too much to say, that it encouraged our cruizers to a petty general application of the rule. But the American Government having represented, that it's subjects were in time of peace, admitted to some participation of the Colonial trade the instruction of January 1794 came out for the purpose of sanctioning them in that traffic and the instruction of January 1798 was subsequently established upon a similar attention to the interests and rights of other neutral states. The only instruction of the present war (after the information and experience of the last) has taken that of the year 1798 for its model. Now though these instructions relax much from the general rule, they can scarcely be said to be exceptions to it since in point of fact both one and the other proceed on precisely the same principles.

In the first place we set out with a belief that the system of colonial monopoly was strictly and unexceptionably applied in practice, and therefore we say to Neutrals, what you could not participate in, during peace, you must not now adopt in war. But certain neutral powers satisfy us, that in time of peace certain Exceptions were established in their favor, that they were allowed to engage in that trade to some extent; we then say—To that extent you may still carry on your Trade and no further. The principle therefore is constantly the same as laid down by Lord Elton in the case of the Withelmina, (Appendix to 4 Robertson's Reports) "That neutrals are not at liberty to engage in a trade with the Colony of the enemy in time of war, which is not permitted to foreign vessels in time of peace." The Law as arising from the general principle and the several relaxations, and as now applied by our Government, appears, with it's characteristic generosity and firmness, to be founded upon a liberal indulgence to neutral privileges on the one hand, & a just assertion of belligerent rights on the other. To let one or other of these objects preponderate, would be, in my opinion, to infringe on the genuine meaning of the instructions.

As it is admitted that this case is not protected by the general Law, it is easy to be seen how far it is so by the instructions—it being laid down by the highest authority that cases, which are not specially covered by the instructions, fall under the provisions of the general Law, which is a Law of exclusion and monopoly.

It is argued for the claimants, that the instruction does protect this case, because it is a *direct* trade from an enemy's port; and this has led to some construction upon that word *direct*. For the captors it is argued, that the instruction must have meant such a direct trade between the Colony and the neutral country as the neutral was previously allowed in time of peace; for the claimants it is said that this is an unfair construction that the British Government had in view any former trade in it's contemplation, and that it's sole object was to allow a trade direct from the port of the enemy's Colony to the neutral Country: I cannot help saying that looking to all the motives and principles, on which this instruction was granted, the construction adopted by the captor's counsel is the true one. But admitting that of the claimants to be right, it merely brings us back to the question of fact, how far the port of Havanna and the port of Cabanas, are entirely one and the same and wholly identified to all intents and purposes.

If it should turn out upon this question of fact, that foreigners could go to Cavannas in time of peace, then it will be but sound to consider a voyage from Cabanas with a clearance from Havanna as virtually a voyage from Havanna and entitled to protection of the *direct* intercourse; but if *not*, then I am of opinion that this will be a case precisely the same as the Juno; and that the general question as to the legality of such a trade, will decide both the cases together.

In that view, the argument of a direct trade as now used, cannot apply, because if the two ports are distinct, we cannot consider the case of a voyage singly from the last port, but we must take the whole voyage together: It would be unfair to look only at any two intermediate terms of a voyage, all the parts and the whole scope of the transaction ought to be viewed together; it must be investigated *ab ovo usque ad malum*.

Upon the whole, I am of opinion, that there can be no solid distinction between this case and the Juno, unless the fact of identity between the two ports of Havanna and Cavannas should be established. And I therefore allow the parties three months, for producing proof on that head and also with respect to the general nature of this trade.

PHILADELPHIA, November 4.

Arrived on Saturday, schr. Adela, capt. Auten, 18 days from Cape Francois. By this arrival we have seen Cape papers to the 4th ult. from which we have translated the following Decree, regulating the trade of the Haytian Empire:

IMPERIAL DECREE.

JACQUES I. EMPEROR OF HAYTI,

Commander in Chief of the armies, by the Grace of God and the constitutional law of the state.

Desirous to dispense equally and without distinction the favors of the Government, and to secure to the authorised consignees, (and this without respect to private interests or particular privileges) the benefits resulting from the imperial decree Aug. 1, present year:

Decree, as follows to be executed throughout the whole extent of the empire:

Art. 1. All authorised commercial houses for receiving consignments shall have and exercise equal and similar rights, agreeably to the favour granted by the above mentioned law.

2. Consequently, according to the principles of the preceding article, each consignee shall be permitted, in his turn, and following the order of the number affixed to his commission, to sell and have the responsibility of foreign vessels.

3. This distribution shall be calculated so that no authorised consignee, however favored, or whatever his claims shall receive a number of vessels exceeding those received by other consignees.

4. According to the preceding article, each merchant already commissioned, is required to present his patent to the Secretary General of Government, who will impart to it the requisite formality.

Done at the Imperial Palace, Sept. 6.

American,

AND

COMMERCIAL DAILY ADVERTISER

THURSDAY, *NOVEMBER* 7, 1805

Yesterday we received, by the Parnell, from our attentive correspondent at Nassau, our file of the Royal Gazette to the 18th ult. from which we have extracted, for this day's American, a judgment delivered in the Court of Vice Admiralty, by the hon. H. M. Dyer, esq. on the case of an American schooner bound from the port of Cavannas, (Cuba) to Norfolk—which, we presume, will be found interesting to our commercial friends.

From our CORRESPONDENT.

NEW-YORK, November 4.
Monday 12 o'clock noon.

Arrived this day, from Point Petre (Guad.) Left brig Harlequin, Dodge, of this port. October 30, lat. 36, 30, long. 73, spoke schooner Dorchester, Jacobs, 36 hours from the Capes, bound to Demarara.

Schooner Harriet, from Antigua. Left ship Clyde, Nichols, of this port, from P. Petre, (Guad.) detained; brig Ontario, Bunce, of do. from Cayenne, detained; sloop George, Read, of Alexandria, from Guadaloupe, do.; schooner Julia-Ann, Jackson, of and for Fredericksburg, uncertain; schooner Raven, Sayre, and schooner ——, Hand, of Philadelphia, just arrived; snow Albion, Athias, of and for Penobscot; brig Dean, Harding; and brig Atlantic, Selfick, of and for this port next day; schooner Jefferson, of Philadelphia, uncertain. Lat. 26, long. 65, spoke schooner Citizen, of Philadelphia, out 14 days. Flour at Antigua, 53; corn $1 50 cents.

In the Sound, ship Nancy, of Boston, from Bordeaux.

NASSAU, N. P. October 8.

Brig Swift of New-York, captain Barr.—On the 27th inst. the Swift, from the Havanna bound home, was driven on the Florida Reefs the 27th Sept. Cargo, 135 hhds. 3 tierces and 5 barrels of molasses.—The vessel was got off much damaged and obliged to abandon her.—Sold her to captain Price (lately cast-away on Florida) for 150 dollars.—Two-thirds of the cargo is saved by the wreckers.

Cleared, schr. Comet, Scudder, New-York; brig Unanimous, Stevenson, Philadelphia.

October 15.

Ship Sampson, belonging to Daniel Mannan and J. W. Fosset, of Philadelphia, on her passage to the Havanna, was sent in here for adjudication by the private armed vessel Alexandrine, on Saturday last.

The schr. ——, 25 days out from Baltimore, for Carthagena was dismasted, the 1st inst. and put in here yesterday in distress.

SAILING DIRECTIONS

For the New Beacons in the Categate and at Dragoe.

COPENHAGEN, 1805.

WHEREAS His Majesty the King of Denmark most graciously has been pleased during his reign to facilitate navigation in the seas surrounding his dominions, by successively to erect light houses and applying beacons on the most dangerous places. His Majesty influenced by the same spirit has been pleased, after the most humble representation of this Royal Board of Admiralty, further to order that beacons shall be placed on the most dangerous grounds in the Categate and at Dragoe.

Agreeably to this most gracious order of His Majesty the King, the following beacons therefore will be placed.

§. 1.

a) Upon the shoal to the north of Lessoe called the Trindel two beacons are to be placed, one at each side of the shoal at the depth of about 30 feet.

b) Upon the edge of the reef that runs in a S. S. E. direction from the Syrod or the east end of the island of Lessoe four beacons are to be placed at the distance of about 2-3 league asunder, the outermost of these is placed on the reef called Kobber-ground; the beacon next to the Syrod is placed on 24 feet depth, the rest on 30.

c) Upon the point of the reef running out to the east of the island of Anholt one beacon is placed close to the stone called Knoben; by keeping without it, you go clear of the reef.

d) Close to the buoy at Dragoe another beacon is placed.

§. 2.

These beacons consist of poles on the top of which brooms are fixed, they are 20 feet above the surface of the water, except the two next to the Syrod, which are a little lower.

§. 3.

These beacons will be placed for the first time this year 1805 at their respective places, as soon as the weather will permit it; they are to remain on their place during winter, and if they be carried off by the ice, new ones will be placed again as soon as the season in the spring will permit it.

§. 4.

The points where these beacons are to be erected will be noted down in the charts published from the Royal Archieves.

§. 5.

It is a duty encumbant on those people to whom the inspection of these beacons is entrusted, to take all possible care of them; in case however these beacons should happen either to be carried off by the ice, displaced or driven from their respective stations, all foreign navigators are by these presents enjoined and the Danish subjects ordered to announce it to the nearest magistrate, that they may be replaced for the safety of navigation.

The Royal Board of Admiralty, 21 February, 1805.

J. P. WLEUGEL,
F. KNUHT,
STEEN BILLE,
C. F. GROVE.

A letter from Hamburg of the 30th of August says, that the Prussian and Brunswick's troops will occupy Hanover—in that case the blockade of Hamburg will be taken off, and commerce again be uninterrupted. (*N. Y. Gaz.*)

Captain Green, of the brig Franklin, from Charleston, informs, that on Friday afternoon, the British frigate Cambrian, captured off Sandy-Hook, the ship James and William, of Portsmouth, from the Isle of France for New-York, and sent her to Halifax. (*Ibid.*)

Extract of a letter from Nassau, 16th October.

"All American vessels, bound to enemies' ports with a cargo not the produce of the United States, will be liable to confiscation."

Heroic action of an Upper Canada Woman—Mrs. Munger, of Duffins' Creek, in the township of Pitcairn, 23 miles from York, hearing her neighbor, Mrs. Woodruff, hollow out for help, immediately took down her husband's gun and ran to her assistance; when she arrived she was informed that a very large bear had taken off a hog into the bush; his route being shown her, this heroine immediately pursued and found the destroyer in the act of devouring the hog, upon which she rested her gun on a stump and shot Bruin through the head; on weighing the bear, it proved the largest that had been killed in that township. (*York-Gazette.*)

The celebrated Dr. Goldsmith, in writing to his brother, respecting the education of a son, expresses himself in the following strong terms, which are the more remarkable, as he had himself written a novel:—"Above all things, never let your son touch a *romance* or a *novel*, these paint beauty in colours more charming than nature; and describe happiness, that man never tastes. How delusive, how destructive are those pictures of consummate bliss! They teach the youthful mind to sigh after beauty and happiness, which never existed; to despise the little good, fortune has mixed in our cup, by expecting more than she ever gave; and in general, take the word of a man who has seen the world, and has studied human nature more by experience than precept; take my word for it; I say, that such books teach us very little of the world."

COW POCK.—Mr. Ransome, surgeon of Bury, published in the last Norfolk Chronicle, the extraordinary case of a young woman, who after being inoculated with vaccine virus, and 7 days elapsing without any appearance of inflammation round the incision, was inoculated for the small pox on the same arm within about an inch and a half of the former incision. On the third day from the last incisions, and tenth from the first, both incisions began to inflame, and pustules each rose, but the two inflammations spreading into each other, the small pox pustule died away without imparting any variolous symptom of eruption, whilst the other filled and formed a fine cow pock pustule, taking the ordinary course of that disease. (*London pap.*)

HANOVER, (Vt.) Oct. 25.

Snow Storm.—Tuesday last, we experienced a violent storm, which did considerable injury to poplars, fruit-trees, &c. It commenced in the morning with a cold rain, but changed about noon into a snow, which fell to the depth of five or six inches. We do not recollect any instances of such severe storms of snow, so early in the season, as those of the last and present year.

LAST WEEK

But Two!!

The Grand Panorama

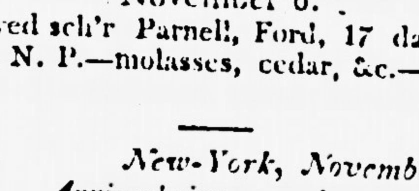
OF THE

BATTLE OF LODI,

CONTAINING 3120 square feet of canvas, in Still-house-street, Baltimore, near Christ Church.

The place of exhibition is rendered agreeably warm with stoves, in which fires are constantly kept.

Nov. 4 d6t

SHIP  NEWS

From the Merchants' Coffee-House Books

November 6.

Arrived sch'r Parnell, Ford, 17 days from Nassau N. P.—molasses, cedar, &c.—B. Owings.

New-York, November 4.

Arrived since our last,

The ship Thomas, Davidson, from Norfolk, in distress, bound to Jamaica, having sprung a leak, and obliged to throw over part of the cargo. Capt. Davidson, picked up at sea, captain Hills and crew of the Good Intent, of Philadelphia, out 42 days from Philadelphia. The Good Intent had been dismasted, lost her rudder, long-boat, and almost every thing off deck, one pump constantly going, and had been in that situation 35 days.

The brig Ann-Maria, Speck, in 26 days from Point-Petre, Guadaloupe. Left brigs Amazon, Orient, and ship Minerva, all to sail in a few days for New York. Oct. 9, the sloop George, Read, of Norfolk, from Point-Petre for New-York, was taken off the harbor of Antigua, and sent in on suspicion. There were several American vessels then in co. but none sent in. Oct 28, spoke a brig from Leghorn for Philadelphia. In lat. 34, saw a French schooner privateer, but did not board us. From the 18th to the 28th of Oct. experienced very heavy gales, from all points of the compass.

The brig Franklin, Green, in 9 days from Charleston. Left, brig Calliope, Van Kleeck, just arrived in 5 days from New-York. The Franklin was from Jamaica, but put into Charleston in distress. Was boarded off Sandy-Hook by the British frigate Cambrian.

The brig Francis Nixon, Leary, in 7 days from Savannah. Left, ship Fair American, just arrived from New York; schooner Miranda, Hoadley, and sloop George, Fowler, both to sail for New York in 4 or 5 days. The ships Brunswick, Callahan; Lucy and Elizabeth, Starks; Union, Gold, and the Rufus, Barlow, and the Eliza, Stokes, from Liverpool; and the Bermingham Packet, from Greenock, had all arrived at Savannah. Captain Callahan, Sept. 16, passed through the homeward fleet, of 50 sail, some of which were dismasted. Oct. 1, lat. 48, long. 14, *spoke ship General Mercer, 15 days from Bremen, for Baltimore.*

The schooner Betsey Cox, Cox, in 21 days from Point Petre, Guadaloupe. The ship Minerva, Tappin, sailed for New York the day before. On Friday night, off the Hook, spoke a British ship from Halifax for Charleston.

The schooner Lucy, Tombs, in 26 days from Point Petre, Guadaloupe. Oct. 21, lost Richard Emerson overboard, as mentioned in our last. Oct. 13, in lat. 23, long. 64, 30, spoke the brig Betty, Walker, 11 days from Martinique for Portsmouth!—Spoke a ship from St. Kitts, and was informed, that the British cruizers were taking all American vessels from French ports. Oct. 17, in lat. 29, long. 70, spoke the sloop Juliet, 7 days from Ocrocock for Jamaica. Left, brig Harlequin, Dodge, to sail in 12 days, and brig Amazon, Christie, in 6 days, both for New York. The ship Penelope, Jappie, of New York, had just arrived from Nantz and Madeira. Also there, sch'r Sally, Tyler, of Newburyport; brig Cleopatra, Deson, of N. London; schooner Antelope, Church, of Hallowell, for Boston; brig Caroline, Hubbard, of Middletown; sch'r Nabby, Russell, of Newburyport; brig Lion, Allen, of Portland; sloop Albert, Williams, of Boston, and several others before reported.

The sch'r Richard, and Martha, Taylor, in 19 days from St. Jago de Cuba. Lat. 29, 49, was spoke by a British 64, and treated politely. Off Cape Maize, was brought too by a British frigate, and treated politely, who at the same time brought too the brig Ohio, Rust, of and from New York, bound to Jamaica.

New Salt-Petred Hams.

Keppler & Bosley

HAVE just received and offer for sale, at their Bacon-Store, No. 20, Market-space, a quantity of SALT-PETRED HAMS, cured this fall, of a superior quality.

Nov. 7 eo2w

This is to give Notice,

THAT the Subscribers have obtained from the Orphans' Court of Baltimore county, in Maryland, letters testamentary on the personal estate of THOMAS HAMILTON, late of the city of Baltimore, deceased; all persons having claims against the said deceased are hereby warned to exhibit the same, with the vouchers thereof, to the subscribers at or before the eighth day of May next, they may otherwise by law be excluded from all benefit of the said estate. Given under our hands this 6th day of November, 1805.

DAVID ARMOUR, }
JOHN LIGGAT, } Executors.

Nov. 7 eo6w

Stray Cow.

CAME to the Subscriber's Plantation, about six miles from the city of Baltimore, some time in June last, (as his tenant informed him) a small black COW, about 12 years old, both ears cropped, a yellow streak on her back, and branded on the rump with the letter C.—The owner is desired to prove the property, pay charges and take her away.

WM. CLEMM.

Nov. 7 d3t

Hat Manufactory.

THE Subscriber has on hand, and will be constantly supplied with a quantity of the most fashionable Men, Women and Children's HATS, which he will dispose of on the most reasonable terms, for cash, or approved paper, at a liberal credit. Shippers and country merchants may be supplied with any quantity, put up in the best manner and on the shortest notice.—Orders will be accepted and duly attended to.

Also on hand,

(JUST FINISHED AND FOR SALE)

Two hundred and fifty WHITE HATS, very light and large brimmed, for the East and West-India markets.

RUNYON HARRIS,
No. 66, Cumberland Row, Baltimore.

November 7. 2aw4tTh

Elegant

Fancy Japanned Furniture,

No. 60, corner of North Gay and Frederick-streets.

CANE SEAT CHAIRS, SOFAS; RECESS, and WINDOW SEATS of every description and all colors, gilt, ornamented and varnished, in a stile not equaled on the continent, with real Views, Fancy Landscapes, Flowers, Trophies, of Music, War, Husbandry, Love, &c. &c.

ALSO,

A number of sets of New Pattern Rush and Windsor Chairs and Settees—Card, Tea, Peir, Writing and Dressing Tables, with Mahogany, Sattin Wood, Painted, Japanned and real Marble Top, Sideboards; Ladies' Work, Wash-hand and Candle Stands;—Horse, Pole, Candle and Fire Screens;—Bedsted, Bed and Window Cornices, the centres enriched with Gold and Painted Fruit, Scrool and Flower Borders of entire new Patterns, the mouldings in Japan, Oil and Burnish Gold, with Beads, Twists, Nelson Balls, &c.

LIKEWISE,

Brackets, Girondoles and Trypods; Ladies Needle Work, Pictures, and Looking Glasses Framed; Old Frames regilt, real Views taken on the spot to any dimension in oil or water colors;—Coach, Flag and Masonic Painting, and particular attention paid to Gold Sign Lettering on Glass, Pannel or Metal.

JOHN & HUGH FINLAY,

N. B. Orders for the West Indies, or any part of the continent, executed with dispatch.

Nov. 7 M&Th

Hawkins & Clagett

Have imported in the ship Henrietta, captain Lee, from Bremen, via Eckwarden.

15 bales and one box assorted GERMAN LINENS, consisting of
Brown and white Ticklenburgs
Hempen Sprigs
Brown and white Rolls
Brown Platillas, and
Dowlas.

Nov. 2 d6t

Sale by Auction.

On FRIDAY,

The 8th inst. at half past 11 o'clock, will be sold, on Smith's wharf at the end of Gay-street, on 2, 4 and 6 months credit,

The Schooner

HOPE,

Burthen about five hundred and thirty barrels, with all her tackle and apparel as she arrived from sea—An inventory thereof, may be seen at the vendue office.

THOMAS CHASE, Auc'r.

Nov. 7

Baltimore Theatre.

TO-MORROW EVENING, November 8.

Will be presented, a favorite Comedy, in 5 acts, called

The Way to get Married.

(Written by MORTON.)

To which will be added, a favorite Comic Opera, in 2 acts, called

The Romp.

Doors will open at half past five, and performance commence a quarter past six o'clock.

On Saturday, the Tragedy of the CARMELITE, with the Musical Entertainment of the TURNPIKE GATE.

Due notice will be given of the third representation of The SCHOOL OF REFORM.—A NEW COMEDY is in rehearsal.

Nov. 7

Ben. & Geo. Williams

Have received per schooner William, captain Cleaveland from Boston, and for sale at No. 3, Bowly's wharf,

550 pieces Russia Sheetings, entitled to drawback
20 hhds. N. E. Rum
21 barrels do.
200 boxes Mould Candles
50 do. Spermaceti do.
400 reams Wrapping Paper

Nov. 2 d4t

Just Imported,

And For Sale by the subscribers,

London particular Madeira Wine, in pipes & half pipes, fit for immediate use
20 cases of one dozen each White Creaming Champaigne
20 do. of 1 dozen each Pink Champaigne, partridge eye
A small cask Red Verzenai ditto
One do. Red Rilly Champaigne, and
200 casks Bordeaux Claret

They have also for Sale,

Holland Duck of the first quality, and
A few bales Ticklenburgs.

ROBERT GILMOR & SONS.

August 30 eo

For Sale,

At 19, Water-street.

Spanish Hides and Tanners' Oil
Red, green, yellow and black Morocco Skins
White, Wetting, and Shammey Skins
Leather, of all descriptions for Hatters'
Sheep Skins, Skirting, and Bend soals
A general assortment of Saddlers' leather
Hog Skins, of the first quality
Soal and Upper Leather
Boot legs, Calf Skins and Kips
Scotch Stone
Tanners' and Curriers' Tools
Currying Knives and Graining Boards

Also,

52 pair of Boots.

JAMES BOSLEY.

eo18t

Thorndick Chase,

No. 59, THAMES-STREET, FELL'S POINT,

HAS imported per the Diana from Liverpool, the Perseverance and Planter, via Norfolk.

Extra Superfine Cloths and Cassimeres
Coarse blue Cloths and blue Plains
Figured Swansdowns, Toilenetts and Mole Skins
Velvets, Velreteens and Patent Cords
British Osnaburgs Buntling
No. 4, 5, 6 and 7, Bridport Canvas of superior quality
Patent Shot and Sheet Lead
Seine and Sewing Twine

Likewise,

Flannels and Baizes

Also on hand,

Beef, Pork; Bonavista, Turks Island and Cadiz Salt.

Oct. 31 eo8t

Mrs. Hall,

92, *Market-street,*

HAS imported per ship Benjamin Franklin, captain Wicks, from London, via Philadelphia, her

Fall Fashions;

Among which are,

The Highland Mantle
Dress and half dress Bonnets and Caps
Gold and silver Net Caps
Silver Sleeves for dresses
Rich figured & clouded Velvets, of all colors, with Feathers and Cords and Tassels to match
Rich figured colored Sarsenets
Figured patent Lace
Black lace Veils
Trimming for dresses
Black and white Cord and Tassels
Silk Hair Platts, of all colors
Rich white figured Sarsenet
Netted Fringe
Broad silk ditto
Rich white and black Satin
Rich black Mode
Gold & Silver Fringe
Gold and Silver Trimmings
Gold and silver Tassels for the waist
Ditto for caps and bonnets
Extra long white kid Gloves
White and colored Crapes
White and colored Gauze
Artificial Flowers
White Ostrich Feathers
Fine white Chips and Leghorns, &c.

All of which will be opened on Monday

And daily expects further Fashions from Paris.

Oct. 26 d6teo6t

Salt, Coffee, Wine, Gin & Sugar.

2400 bushels Bonavista Salt
85 bags prime Coffee, suitable for private families
10 pipes London particular Teneriffe Wine, of a superior quality
7 pipes Holland Gin
18 hhds. Sugar, for Sale

Also,

700 bbls. Superfine Flour.

Apply to JOHN RANDALL,
95, Bowly's wharf.

Oct. 26 d4teo6t

Wants a place

AS Wet Nurse, a woman with a good breast of milk, who can produce the most satisfactory recommendation. Apply at this office.

Nov. 1